



CITY OF MEMPHIS

COUNCIL AGENDA

November 17, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 3, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing St. Benedict for winning the state volleyball championships in their respective divisions.

Boyd

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing Evangelical Christian School for winning the state volleyball championships in their respective divisions.

Boyd

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

3. RESOLUTION approving a special use permit located on the west side of Third Street, ±506 feet north of Walker Avenue, containing 0.62 acre in the Local Commercial (C-L) District.

Morrison

Case No. SUP 09-214

Applicant: Pyramid Used Cars, Inc.
Cindy Reaves, SR Consulting, LLC – Representative

Request: Motor Vehicle Sales

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

39 NOTICES MAILED ON NOVEMBER 6, 2009

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a special use permit located on the south side of E. H. Crump Boulevard, ±252 feet west of Mississippi Blvd., containing 0.40 acre in the Local Commercial (C-L) District.

Morrison

Case No. SUP 09-213

Applicant: Yemaj & Mohamed Abbas

Request: Motor Vehicle Sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

5. ORDINANCE rezoning the southwest corner of Walnut Street and Tate Avenue, containing 1.29 acres (Development site) and 0.65 acre (Zoning Amendment) in the Highway Commercial (C-H) District, up for T H I R D and F I N A L reading.

Morrison

Case No. Z 09-103

Ordinance No. 5335

Applicant: Urban Construct, LLC
Tiena Gwin – Representative

Request: Multiple Dwelling Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

87 NOTICES WERE MAILED ON NOVEMBER 6, 2009



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

6. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance as amended, up for S E C O N D reading.

Boyd

Ordinance No. 5331

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to amend certain sections of Ordinance No. 5217, Article III of the Code of Ordinances regulating Junk and Scrap Metal Dealers, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5332

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES - SECOND READING

8. **ORDINANCE** rezoning the south side of Frayser Boulevard, 150 feet west of Thomas Street, containing 3.49 acres in the Multiple Dwelling Residential (R-MM) District, up for S E C O N D reading.

Morrison

Case No. Z 09-104

Ordinance No. 5336

Applicant: Christ Community Health Services, Inc.
Ralph Smith, ETI Corp. – Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **ORDINANCE** rezoning the northeast corner of Lamar Avenue and Tuggle Road, containing 18.77 acres in the Highway Commercial (C-H) District, up for S E C O N D reading.

Morrison

Case No. Z 09-106
Ordinance No. 5337

Applicant: Harbin Enterprises GP
Philip Jones – Representative

Request: Rezoning from Highway Commercial (C-H) District to Light
Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

10. **RESOLUTION** accepting UNIVERSITY PLACE, PHASE 1, STREET and DRAINAGE IMPROVEMENTS and authorizing release of bond.
(Contract No. CR-5043)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Crump Boulevard and Sommerville Street. The standard improvement contract was approved on November 7, 2006. Resolution also authorizes the release of the performance bond in the amount of \$1,501,656.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. **RESOLUTION** accepting UNIVERSITY PLACE P.D., PHASE 2 and authorizing release of bond.

Case No. PD 06-344
(Contract No. CR-5086)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located south of E. H. Crump Boulevard, west of I-240. The standard improvement contract was approved on August 7, 2007. Resolution also authorizes the release of the performance bond in the amount of \$1,308,439.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

12. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. SAC 09-607 – Cleveland Street Alley Closing

Beginning on the west side of Watkins Street, 155 feet south of Madison Avenue and extending west 361 feet, containing 12 acres

Applicant: Medical Education and Research Institute
Brenda Solomito – Representative

Request: Close a portion of an existing, improved alley and dedicate and improve a new north/south alley

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 1, 2009



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MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11355, Line Clearance, to Bean & Prince Contractors, Inc. in the funded amount of \$7,876,040.00.
14. RESOLUTION awarding Contract No. 11362, Electronic Forms Routing, to B P Logix in the funded amount of \$238,300.00.
15. RESOLUTION awarding Contract No. 11363, Graphical User Interface (G.U.I.) Replacement Software, to Seagull, in the funded amount not to exceed \$130,500.00.
16. RESOLUTION awarding Contract No. 11386, Internet Service Provider, to AT&T Business Systems, by and through the pre-existing "Contract between the State of Tennessee, Department of Finance and Administration and AT&T Corporation," in the funded amount of \$232,200.00.



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REGULAR AGENDA

17. ELECTION of the 2010 City Council Chairman.
Collins

18. ELECTION of the Council Vice Chairman.
Collins

19. **APPOINTMENT**
Flinn

Memphis & Shelby County Air Pollution Board

Reappointment

Doris F. Boyd

GENERAL ORDINANCES -THIRD AND FINAL READING

20. **ORDINANCE** fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for T H I R D and F I N A L reading. (Held from 7/7; 7/21; 8/4; 8/18; 9/1; 9/15; 10/6; 11/3)
Lowery Ordinance No. 5319

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** to revise Chapter 15, Section 15-11(d), of the City of Memphis Code of Ordinances, pertaining to the dimensions of Limbs and Logs collected by the City of Memphis, up for T H I R D and F I N A L reading. (Held from 10/20; 11/3)
Boyd Ordinance No. 5329

Director of Public Works recommends approval

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

22. RESOLUTION transferring \$479,000.00 from the City Court Legal Level 870101 to the new City Court Legal Level 870201 for Red Light Camera.

Halbert

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

23. RESOLUTION approving the budgets for the Electric, Gas and Water Divisions for the 2010 Operation and Maintenance Expenses and the 2010 Capital Expenditures.

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

24. RESOLUTION requesting approval to fund \$1,407,721.00 of the total appropriation approved by the Council on May 19, 2009 in Contract Construction in Greenway Improvements, CIP Project Number PK07012, funded by G.O. Bonds General for the construction of the Wolf River Greenway, Phase 2.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

25. RESOLUTION accepting grant funds in the amount of \$6,345,093.00 from the U.S. Department of Justice for the American Reinvestment and Recovery Act (ARRA) funding through the Office of Community Oriented Policing Services (COPS) grant, specifically for the COPS Hiring Recovery Program (CHRP). Resolution also amends the FY2010 Operating Budget to establish and appropriate grant funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION accepting grant funds in the amount of \$734,919.00 from Shelby County Government, granted through the U.S. Department of Justice for the Justice Assistance Grant specifically for public safety projects. Resolution also amends the FY2010 Operating Budget to establish and appropriate grant funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION accepting grant funds from the Department of Justice (DOJ), Bureau of Justice Assistance FY09 Smart Policing, Evidence-Based Law Enforcement and Smart Policing Demonstration Initiative (Safeways – Old Allen), in the amount of \$500,000.00. Resolution also amends the FY2010 Operating Budget to establish and appropriate \$500,000.00 in grant funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

28. RESOLUTION accepting grant funds in the amount of Six Million Seven Hundred Sixty Seven Thousand Two Hundred Dollars (\$6,767,200.00) from the U.S. Department of Energy for the Recovery Act Energy Efficiency Conservation Block Grant. Resolution also amends the FY2010 Operating and Capital Improvement Budgets to establish and appropriate grant funds.

Boyd

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

29. **ORDINANCE** to establish meeting dates for City Council Meetings in 2010, up for F I R S T reading.

Consent

Ordinance No. 5338

ACTION REQUESTED: Adopt the ordinance on First reading

30. **RESOLUTION** to support and approve granting of job retention incentives through the payment-in-lieu-of-tax (PILOT) program of the Industrial Development Board of the City of Memphis and County of Shelby (IDB). The purpose of this resolution is to aid in preserving jobs of existing Memphis and Shelby County businesses that are being threatened by the downturn of the U.S. economy. In order to qualify for a job retention PILOT, companies must meet the requirements outlined in Exhibit A that include: investment, job retention, financial stability and benefit cost criteria. Qualifying companies must also comply with overall PILOT guidelines.

Collins

ACTION REQUESTED: Adopt the resolution

31. **RESOLUTION** accepting grant funds in the amount of \$394,500.00 from the U.S. Department of Justice for the SCA (Second Chance Act) Back on Tract Project. SCA Back on Track will partner and transition the Shelby County Division of Corrections Services with the City's post-release programs and services. Resolution also amends the FY2010 Operating Budget to establish and appropriate grant funds.

Brown

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. & 2 – Approved
3. Approved, as amended
4. Held until December 1, 2009
5. Through 11 – Approved
12. Public Hearing Set for December 1, 2009
13. Through 19 – Approved
20. Held until December 1, 2009
21. Held until December 15, 2009
22. Approved
23. Held until December 1, 2009
24. Through 31 – Approved

ACTION TAKEN ON THE MNUTES OF NOVEMBER 3, 2009 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #24, #30 & #31 FROM TONIGHT'S MEETING

Approved